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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Revision No. 6289 of 2007
Date of decision: 6.12.2007

Shashi Sharma **...Petitioner**

Versus

Devinder Kumar **...Respondent**

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Jaswinder Singh Arora, Advocate for the petitioner.

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RAJESH BINDAL, J.

The challenge in the present petition is to the order dated October 19, 2007 passed by the learned Rent Controller, Khanna assessing the rent payable by the petitioner/tenant, eviction of whom is sought, inter-alia, on the ground of non payment of rent.

The claim set up by the landlord is that rent was agreed @ Rs. 9,000/- per month whereas the petitioner/tenant claimed the same to be Rs. 1,500/- per month. The relationship of landlord and tenant are not denied. The rent note projected by respondent/landlord dated April 21, 2004 showing the rent at Rs. 9,000/- per month was disputed by the petitioner/tenant claiming the same to be forged and fabricated. However, to controvert the plea raised by the landlord, petitioner/tenant did not produce any receipt regarding payment of rent before the Rent Controller. Even before this Court document Annexure P-7 which is said to be an extract of a diary is produced showing different payments ranging from Rs. 150/- to Rs. 450/- on different dates, which the petitioner claimed was paid as rent in part payment, whenever the respondent/landlord required the money. A perusal of document shows that in the month of May only Rs. 300/- were paid whereas in the month of June Rs. 2100/- were paid and in the month of July Rs. 1450/- were paid, which prima-facie cannot be said to be payment on account of rent. Even otherwise the document is yet to be

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proved in evidence as the same is not even produced before the Rent Controller, even in the proceedings for assessing the rent. Still taking a conservative view, learned Rent Controller, as against the claim made by the landlord of Rs. 9,000/- per month, assessed the rent provisionally @ Rs. 4,500/- per month with effect from October 1, 2004. There is no material on record, which has either been misread or not considered by the Rent Controller while determining the provisional rent.

Accordingly, I do not find any error of jurisdiction in the exercise of power by the Rent Controller.

The revision petition is accordingly dismissed.

December 06, 2007 **(Rajesh Bindal)**
Pka **Judge**